

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
301 E. OCEAN BLVD., SUITE 300  
LONG BEACH, CALIFORNIA 90802-4830  
(562) 590-5071 FAX (562) 590-5084  
WWW.COASTAL.CA.GOV



# Th9

**Prepared August 28, 2023 (for the September 07, 2023 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, South Coast District Deputy Director  
**Subject:** **South Coast District Deputy Director's Report for Orange County for September 2023**

The following coastal development permit (CDP) waivers, CDP extensions, Executive Director Concurrence and emergency CDPs for the South Coast District Office are being reported to the Commission on September 07, 2023. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on September 7th.

With respect to the September 7th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on September 07, 2023 (see attached)**

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**Waivers**

- 5-23-0279-W, Demo and Construct SFR (Seal Beach)
- 5-23-0310-W, ADU Conversion (San Clemente)
- 5-23-0566-W, Los Trancos Parking Lot Trailer Replacement (Newport Coast)

**Emergency Permits**

- G-5-23-0064, Emergency Dock Renovation (Newport Beach)

**Executive Director Concurrence**

- LCP-5-LGB-22-0003-3-Part A (ADUs)
- LCP-5-LGB-22-0003-3-Part B (Coastal Development Permits)

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August 22, 2023

## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 5-23-0279-W

**Applicant:** Ann Dinh

**Location:** 201 4th St, Seal Beach (Orange County) (APN(s): 199-143-15)

**Proposed Development:** Demolish of an existing one-story, 1,000 sq. ft., single-family residence with a 375 sq. ft. detached garage and construction of a new approximately 24-ft. high, two-story, 3,045 sq. ft. single-family residence with an attached 427 sq. ft. two-car garage.

**Rationale:** The proposed project is located on an inland lot approximately 650 ft. inland of the public beach and the Pacific Ocean. According to the Coastal Storm Modeling System (CoSMoS) sea level rise model, the project site is in an area of Seal Beach that is not subject to flooding with up to 6.6 ft. of sea level rise. In addition, the finished floor elevation of the single-family residence is approximately +19.31 ft. NAVD88 and the proposed foundation will be waterproofed. No shoreline protective device is proposed to protect the development subject to the application. The lot size is 3,525 sq. ft. and is designated as residential high density (RHD-20) in the City of Seal Beach Zoning Code. The proposed project conforms to the permitted use and development standards pursuant to the Zoning Code. Post project, the single-family residence will include two parking spaces, which is consistent with prior Commission's actions requiring two parking spaces for residential development in the area. The proposed project design is compatible with the character of surrounding development and does not have any negative affects on visual or coastal resources, public recreation, or coastal access. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

**Coastal Development Permit De Minimis Waiver**  
5-23-0279-W

This waiver will not become effective until reported to the Commission at its **September 6-8, 2023** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Dr. Kate Huckelbridge  
Executive Director

Original on File signed by:

Fernie Sy  
Coastal Program Analyst

cc: Commissioners/File

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## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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**Waiver:** 5-23-0310-W

**Applicant:** Jaemin Ragsdale

**Location:** 239 Avenida Pelayo, San Clemente, Orange County (APN: 692-133-03)

**PROPOSED DEVELOPMENT:** Addition of an attached 800 sq. ft. ADU to an existing 3,943 sq. ft., approximately 24 ft., high six-unit multi-family residence with six existing parking spaces. No additional changes are proposed.

**RATIONALE:** The proposed project is located on an inland lot approximately 230 ft. landward of the first public road parallel to the sea, and in an urbanized residential neighborhood. The lot is designated Residential Medium by the City's certified LUP and proposed project conforms to the permitted uses and development standards for the land use. The project would not result in a change in overall building height or onsite parking. No grading is proposed. The project was approved by the City of San Clemente Planning Department March 6, 2023, and is consistent with previous Commission actions in the area, and the Chapter 3 policies of the Coastal Act, and the certified LUP.

This waiver will not become effective until reported to the Commission at its **September 6-8, 2023** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Dr. Kate Huckelbridge  
Executive Director

Elishebah Tate-Pulliam  
Coastal Program Analyst

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August 22, 2023

## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 5-23-0566-W

**Applicant:** California State Parks (Orange Coast District), Attention: Joe Fayer

**Location:** 6902 Coast Highway (Los Trancos Parking Lot), Newport Coast (Orange County) (APN(s): 120-290-14)

**Proposed Development:** Replace an existing 24 ft. x 60 ft. modular trailer with two (2) new 24 ft. x 60 ft. trailers. A raised deck and platform will be located between the two (2) new trailers.

**Rationale:** The proposed project will take place in Crystal Cove State Park within the Los Trancos Parking Lot that provides 260 parking spaces. The existing trailer is dilapidated and beyond its serviceable life and can no longer serve the Orange Coast District's needs due to its size. To meet the growing demand for both digital and in-person interpretation, the project will provide a larger indoor and outdoor space to accommodate visiting school groups. The proposed project will not impact any nearby Environmentally Sensitive Habitat Areas (ESHA) as it will be located within the existing parking lot. The proposed project does not result in new hardscape and thus, no protective water quality measures are required. While the proposed additional modular trailer will displace 10 existing parking spaces within the parking lot, the parking lot did gain an additional 43 parking spaces when the lot was recently resurfaced and re-stripped and ADA access was improved in conjunction with a previous Commission approval for the site (5-20-0334-W). While this waiver authorizes changes in parking, public access and recreation will not be adversely impacted. There is a certified Public Works Plan for this State Park, however these particular upgrades are not detailed in the plan, therefore the standard of review is the Chapter 3 policies of the Coastal Act, with which this project is consistent, and it will not prejudice the Public Works Plan. The

**Coastal Development Permit De Minimis Waiver**  
5-23-0566-W

proposed development will not adversely impact coastal resources, public access, or public recreation opportunities.

This waiver will not become effective until reported to the Commission at its **September 6-8, 2023**, meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Dr. Kate Huckelbridge  
Executive Director

Original on File signed by:

Fernie Sy  
Coastal Program Analyst

cc: Commissioners/File

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**EMERGENCY COASTAL DEVELOPMENT PERMIT**

Emergency CDP G-5-23-0064 (Van Tuyl)

Issue Date: August 10, 2023

**Permittee:** Larry Van Tuyl**Emergency Location:** 101 Bayside Place (Water area adjacent to landside property at rear of property), Newport Beach, Orange County (APN 052-013-21)**Emergency Description:** The existing dock has deteriorated to a point where a total of three (3) existing 12-in. pipe pilings – one (1) located at the end of the landward finger and two (2) located at the bayward finger - have broken just below the waterline. As a result, the bayward finger has twisted and become partially submerged and in turn the connection of the bayward finger at the headwalk has become compromised and damaged. Also, the end of the landward finger has been damaged as a result of the one (1) broken piling.

To alleviate any potential damage or probable consequences, the bayward finger has since been disconnected at the headwalk and secured to the landward finger which remains intact. Without the bayward finger in place the two (2) broken 12-in. pipe pilings have become a navigational hazard.

**Emergency Development:** In order to support the remaining headwalk and landward finger, the applicant is proposing the following:

- A) Remove a total of three (3) 12-in. round pipe pilings: one (1) located at the end of the landward finger and two (2) located at the bayward finger;
- B) Replace a total of three (3) deteriorated piling guides: one (1) located at the bayward end of the headwalk and two (2) located at the gangway platform;
- C) Remove the bayward finger; and
- D) Repair the damage at the bayward end of the headwalk and at the end of the landward finger.

**Executive Director's Determination**

The Executive Director of the California Coastal Commission hereby finds that: (a) a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services exists (i.e., an "emergency" (see Title 14 California Code of Regulations Section 13009 and California Coastal Act (Public Resources Code) Section 30624); (b) the emergency requires action more quickly than allowed by the procedures for regular CDPs; (c) the

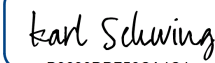
Emergency CDP G-5-23-0064 (Van Tuyt)

Issue Date: August 10, 2023

emergency development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; (d) the emergency development carried out under this ECDP is considered temporary work done in an emergency situation to abate an emergency and is undertaken at Permittee risk; (e) a regular CDP must be obtained for the emergency development to become more than temporary emergency abatement and/or if the Permittee wishes to expand the scope of work beyond that authorized by this ECDP; (f) absent obtaining a regular CDP, the emergency development shall be removed and the affected area restored; and (g) Commission staff will review public comment on the proposed emergency development as time allows.

The emergency development is hereby approved, subject to the conditions listed below.

DocuSigned by:



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Karl Schwing, South Coast Deputy Director  
for Dr. Kate Huckelbridge, Executive Director

#### Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's South Coast District Office within 15 working days of the date of this ECDP (i.e., by August 10, 2023). This ECDP is not valid unless and until the acceptance form has been received in the South Coast District Office.
2. All emergency development shall be limited in scale and scope to that identified in the Emergency Permit Application Form received in the Commission's South Coast District Office on August 2, 2023. Only that emergency development specifically described in this ECDP and for the specific location listed above is authorized. Any other development requires separate authorization from the Executive Director or the Commission, as applicable.
3. The emergency development authorized on a temporary basis by this ECDP must be completed **within 30 days** of ECDP issuance (i.e., by **September 9, 2023**).
4. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., City of Newport Beach, Regional Water Quality Control Board, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
5. By exercising this ECDP, Permittee acknowledges and agrees that: (a) the emergency development is temporary, is designed to temporarily abate the emergency, and shall be removed unless and until a regular CDP authorizing the work is approved, and provided the Permittee adheres to such regular CDP's terms and conditions; and (b) a regular CDP is subject to all of the provisions of the California Coastal Act (as codified in Sections 30000 to 30900 of the Public Resources Code) and any applicable Local Coastal Program (LCP) policies and may



## Emergency CDP G-5-23-0064 (Van Tuyl)

Issue Date: August 10, 2023

be conditioned accordingly to avoid and/or to offset coastal resource impacts consistent with the Coastal Act (and LCP as applicable) (including but not limited to requirements for public access provisions (such as offers to dedicate, easements, in-lieu fees, etc.), assumption/disclosure of risks (including deed restrictions), triggers for relocation/removal, offsetting mitigations, etc.). The Permittee acknowledges that review of the CDP application to determine consistency with the Coastal Act (and LCP as applicable) will be based on the conditions the property was legally in prior to initiation of the temporary emergency development that is the subject of this ECDP.

6. By exercising this ECDP, the Permittee acknowledges and agrees in relation to this ECDP and the emergency development that it authorizes: (a) to assume all risks (including all coastal hazard risks, that include but are not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunamis, coastal flooding, landslide, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise); (b) to unconditionally waive any claim of damage and/or liability against the Commission and/or its officers, employees, agents, successors and/or assigns; (c) to indemnify and hold harmless the Commission and its officers, employees, agents, successors and/or assigns against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement, including as it relates to any damages to public and/or private properties and/or personal injury; (d) that any adverse effects to property or people caused by the emergency development shall be fully the responsibility of the Permittee.
7. The Permittee shall reimburse the Commission in full for all Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (a) charged by the Office of the Attorney General; and/or (b) required by a court) that the Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this ECDP, the interpretation and/or enforcement of ECDP terms and conditions, or any other matter related to this ECDP. The Permittee shall reimburse the Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission, its officers, employees, agents, successors and/or assigns.
8. Within 120 days of ECDP issuance (i.e., by **December 8, 2023**), the Permittee shall either: (a) remove all of the materials placed or installed in connection with the emergency development, and restore all affected areas to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP); or (b) submit a complete application (i.e., satisfying the requirements of Title 14 California Code of Regulations Section 13056) for a regular CDP to authorize the emergency development (or for a different project designed to address the emergency development), including submitting all information and materials requested, and as

## Emergency CDP G-5-23-0064 (Van Tuyt)

Issue Date: August 10, 2023

directed, by the Executive Director if/when the Executive Director determines that such application is incomplete. If such regular follow-up CDP application is withdrawn by the Permittee, or is denied by the Commission, or if it remains incomplete up to the previously identified 120 day period, unless additional time is authorized by the Executive Director for good cause, then all of the materials placed and/or installed in connection with the emergency development shall be removed, and all affected areas shall be restored to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP).

9. Failure to meet any of the applicable requirements of Condition 8 above shall constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Executive Director and/or the Commission. Such formal action may include: recordation of a Notice of Violation on the Permittee's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties of up to \$11,250 per day per violation; a civil lawsuit (that may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day); and/or other applicable penalties and relief pursuant to Coastal Act Chapter 9. In addition, failure to follow and meet all terms and conditions of this ECDP shall also constitute a knowing and intentional Coastal Act violation to which the same actions above may be applied.
10. All emergency development shall be limited to the least amount necessary to temporarily abate the emergency, and shall be undertaken in a time and manner that avoids any and all coastal resource impacts as much as possible, including avoiding impacts to public access. The Permittee shall keep the Executive Director informed regarding emergency development progress, including in terms of any issues encountered that may require adjustment.
11. A licensed civil engineer with experience in coastal structures and processes shall oversee all construction activities and shall ensure that all emergency development is limited to the least amount necessary to temporarily abate the emergency consistent with the terms and conditions of this ECDP.
12. All emergency construction activities shall limit impacts to coastal resources (including public recreational access and the Pacific Ocean) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements:
13. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
14. All construction activities that result in discharge of materials, polluted runoff or the adjacent marine environment shall be prohibited. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the

Emergency CDP G-5-23-0064 (Van Tuyt)

Issue Date: August 10, 2023

end of each workday.

15. All areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
16. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/cleanup of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
17. The Permittee shall notify planning staff of the Coastal Commission's South Coast District Office immediately upon completion of construction. If planning staff should identify reasonable restoration measures, such measures shall be implemented immediately.
18. In addition to the above Best Management Practices, the project will implement the following:

If portions of broken piles now existing on the sea floor are functioning as habitat for ocean dwelling organisms, they shall be protected in place and not removed.
19. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
20. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director clearly identifying all development completed under this emergency authorization (comparing the legal pre-emergency development condition to both the emergency condition and to the post-emergency development condition), and a narrative description of all emergency development activities undertaken pursuant to this ECDP. Photos showing the project site before the emergency (if available), during emergency development construction activities, and after the work authorized by this ECDP is complete shall be provided with the site plans and cross sections.
21. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the construction coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, an email address and a telephone number (with voice mail capabilities) that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, address, email, phone number, etc.) and nature of all complaints

Emergency CDP G-5-23-0064 (Van Tuyl)

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received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. The Permittee shall submit the record of complaints/inquiries and actions taken in response to the Executive Director on a weekly basis, and upon completion of construction activities.

22. Minor adjustments to the requirements above, including deadline adjustments, may be allowed by the Executive Director if the Executive Director determines that such adjustments: (a) are deemed reasonable and necessary to help to temporarily abate the identified emergency, including as emergency conditions may change; (b) are designed to avoid coastal resource impacts (and limit those that are unavoidable) as much as possible; and (c) in the case of deadline extension adjustments, are appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and conditions.
23. By exercising this ECDP, Permittee acknowledges and agrees that this ECDP shall not constitute evidence against and/or a waiver of any public rights which may exist on the property.
24. The Permittee shall disclose this ECDP, including all of its terms and conditions, to any prospective buyer of the affected property during the period of time that any development that is the subject of this ECDP remains on such property.
25. Failure to comply with the terms and conditions of this ECDP may result in enforcement action under the provisions of Coastal Act Chapter 9. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the property without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Coastal Act Chapter 9.

If you have any questions about the provisions of this ECDP, please contact the Commission's South Coast District Office at 301 E. Ocean Blvd., Suite 300, Long Beach, CA 90802, (562) 590-5071, or send email to [southcoast@coastal.ca.gov](mailto:southcoast@coastal.ca.gov).

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**Prepared August 28, 2023 (for September 7, 2023 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Karl Schwing, Deputy Director  
Zach Rehm, District Supervisor  
Bailey Warren, Coastal Planner

**Subject: Certification Review for City of Laguna Beach LCP Amendment No. LCP-5-LGB-22-0003-3 Part A (ADUs)**

On February 9, 2023, the California Coastal Commission considered a proposed City of Laguna Beach Local Coastal Program (LCP) amendment (LCP-5-LGB-22-0003-3 Part A (ADUs)) designed to amend the Implementation Plan portion of the City's certified LCP to repeal and replace Laguna Beach Municipal Code Chapter 25.17 (Second Residential Units) and amend IP Sections 25.10.004 (R-1 Residential Low-Density Units – Uses Permitted) and 25.15.006 (R/HP Residential/Hillside Protection Zone – Uses Permitted), to bring the City's ADU ordinance into conformity with the state's current ADU laws. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

On May 16, 2023 and July 25, 2023, the Laguna Beach City Council adopted Resolution 23.030 and Resolution 23.053, respectively, (see attachments) incorporating the modifications suggested by the Commission to the IP pursuant to the Commission's conditional approval.

The Executive Director has reviewed the City's May 16, 2023 and July 25, 2023 actions and has determined that they are legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's September meeting on September 7, 2023 as part of the South Coast District Deputy Director's Report for Orange County. The Commission meeting starts at 9 am on September 7, and the Deputy Director's Report is item number 9 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at [www.coastal.ca.gov](http://www.coastal.ca.gov) for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the City adopted the suggested modifications to the

LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the South Coast District Director's Report, the amended LCP will be certified as of that date and time.

**If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the South Coast District office at (562) 590-5071 and/or [southcoast@coastal.ca.gov](mailto:southcoast@coastal.ca.gov).**

Attachments:

City of Laguna Beach City Council May 16, 2023 Action

City of Laguna Beach City Council July 25, 2023 Action

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**RESOLUTION NO. 23.030**

**A RESOLUTION OF THE CITY COUNCIL OF LAGUNA BEACH, CALIFORNIA, ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION'S CERTIFICATION; ACCEPTING AND AGREEING TO THE SUGGESTED MODIFICATIONS; ADOPTING LOCAL COASTAL PROGRAM AMENDMENT 21-8239 AMENDING LAGUNA BEACH MUNICIPAL CODE TO REPEAL AND REPLACE LAGUNA BEACH MUNICIPAL CODE CHAPTER 25.17 (SECOND RESIDENTIAL UNITS) WITH CHAPTER 25.17 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS); AND REQUESTING ITS CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION, AND AGREEING TO IMPLEMENT THE LOCAL COASTAL PLAN IN A MANNER FULLY CONSISTENT WITH THE CALIFORNIA COASTAL ACT**

**WHEREAS**, Section 30500 of the Public Resources Code requires each county and city to adopt a Local Coastal Program ("LCP") for that portion of the coastal zone within its jurisdiction; and

**WHEREAS**, on January 13, 1993, the California Coastal Commission effectively certified the City of Laguna Beach ("City") LCP, and the City assumed coastal development permit-issuing authority; and

**WHEREAS**, the California Legislature adopted and Governor Newsom signed Assembly Bill 2221, and Senate Bill 897 amending California Government Code Section 65852.2, which took effect January 1, 2023, imposing new limitations on the ability of local agencies to regulate accessory dwelling units ("ADUs") and junior accessory dwelling units (JADUs"); and

**WHEREAS**, Laguna Beach Municipal Code ("LBMC") Chapter 25.17 (Second Residential Units) regulating ADU's is partially inconsistent with California Government Code Section 65852.2; and

**WHEREAS**, the City desires to repeal and replace the provisions of LBMC 25.17 related to ADUs and JADUs in order to retain local control to the maximum extent permitted by California Government Code Section 65852.2; and

**WHEREAS**, On October 20, 2021, the City's Planning Commission held a duly noticed public hearing and voted to recommend that the City Council approve Local Coastal Program Amendment 21-8239 to repeal and replace LBMC Chapter 25.17 and amend LBMC Sections 25.10.004, and 25.15.006 relating to the regulations of ADU's and JADU's; and

## Exhibit A

### LCP Amendment 21-8239

Certification of the LCP amendment is to the following modifications. The City Council's new LCP language adopted in December, 2021 (replacing certified LCP Section 25.17 in full) is shown as plain text. The Commission's suggested modifications are shown in ***bold, italicized, and underlined text***. Text suggested by the Commission to be deleted is shown in ~~double-strikethrough~~. Text intended to be deleted by the Commission, but erroneously missed as an oversight is shown in ~~single-strikethrough~~.

#### 25.17 Accessory Dwelling Units and Junior Accessory Dwelling Units

25.17.010 Purpose. The purpose of this chapter is to establish the procedures for the development of Accessory Dwelling Units and Junior Accessory Dwelling Units on lots zoned to allow single-family or multifamily dwelling residential use and that include a proposed or existing dwelling pursuant to Government Code Sections 65852.2 and 65852.22.

#### 25.17.020 Definitions.

- A. "Accessory Dwelling Unit" (ADU) means an attached, a detached, or converted dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single- or multi-family dwelling is or will be situated. An ADU also includes the following: an efficiency unit as defined in Section 17958.1 of the Health and Safety Code and a manufactured home as defined in Section 18007 of the Health and Safety Code. Accessory dwelling units may be attached to the primary dwelling unit, detached from the primary dwelling unit or may involve the conversion of floor area of an existing structure.
- B. "ADU Ordinance" means Chapter 25.17 and all objective standards applicable to ADUs contained in Title 25.
- C. "Detached ADU" means an ADU that is within an independent structure entirely separate from the primary dwelling unit and other accessory structures.
- D. "Attached ADU" means an ADU that is constructed as a physical expansion of the primary dwelling unit and is attached to the primary dwelling unit.
- E. "Converted ADU" means an ADU that is constructed within the walls of the



primary dwelling unit or an existing detached structure, including conversion of an existing attached or detached garage into an ADU.

- F. "Junior Accessory Dwelling Unit" (JADU) means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence, ~~which includes attached non-living space like a garage.~~ A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. The JADU shall include a separate entrance from the main dwelling.
- G. "Public Transit" means a location, including but not limited to a bus stop or train station, where the public may access buses and other forms of transportation that charge set fares, run on fixed routes, and are available to the public. This definition includes Laguna Beach Transit and Trolley.
- H. "Primary Dwelling" means an existing or proposed residential structure and includes both livable and non-livable areas. Detached structures, such as a detached garage is not considered part of the primary dwelling.

#### 25.17.030 General Provisions.

(A) Effect of Consistency. An ADU or JADU that conforms to the requirements of this chapter is:

- (1) Deemed consistent with the allowable density for the lot upon which such unit is proposed to be established.
- (2) Deemed consistent with the existing general plan and zoning designations for the lot.
- ~~(3) Not counted towards the calculation for major remodel projects.~~

(B) Exceptions to Ministerial Review. Discretionary review may be required as follows.

- (1) Coastal Zone. ADUs that are not exempted or excluded under Chapter 25.07 (Coastal Development Permits) require issuance of a coastal development permit, subject to the noticing and appeal requirements in that chapter.
- (2) Deviations from Objective Standards. ADU and JADU applications that deviate from the standards of this chapter may still be permitted but shall not qualify for ministerial review. Such applications shall be subject to applicable design review, variance, coastal development permit, and other entitlements pursuant to Title 25.

(C) Processing Time. Zoning plan check shall be required for compliance with applicable zoning regulations and applicable building and construction requirements set forth in Titles 14 (Buildings and Construction) and 17

(Sewers).

- (1) Ministerial Review Time. Except as set forth in paragraph (2) below, applications must be approved or denied within 60 days from the date the city receives a completed application if there is an existing single-family or multifamily dwelling on the lot, or the application shall be deemed approved. Where an application deviates from the objective standards of this chapter, the application may be reviewed pursuant to the procedures of Section 25.17.030(B)(2) (Deviations).
- (2) If the applicant requests a delay, the 60-day period shall be tolled for the period of the delay.
- (3) Exception to Review Time. If the permit application to create a purely ministerial ADU or JADU is submitted with an application to construct a new dwelling, the following shall apply:
  - (a) The ADU or JADU shall not be subject to the 60-day approval period but shall instead be subject to the approval period for the new dwelling. However, the ADU or JADU itself shall be considered without a public hearing.
  - (b) An ADU or JADU may only be constructed concurrently with or after the construction of a new dwelling unit on the same lot. A certificate of occupancy for an ADU shall not be issued prior to the certificate of occupancy for the new primary dwelling unit.
- (4) If the city denies an application for an ADU or JADU, it shall provide a full set of comments with the denial listing the items that are defective or deficient and shall describe how the application can be remedied by the applicant.
- (5) ~~The city has acted upon the application if it:~~

~~(a) Approves or denies the building permit for the ADU and/or JADU;~~

~~(b) Informs the applicant in writing that changes to the proposed project are necessary to comply with this section or any applicable regulation;~~

- (5) ~~Determines that the ADU does not qualify for ministerial approval.~~  
The City shall not deny a permit to an unpermitted ADU or JADU that was constructed before January 1, 2018 due to violations of building standards or this chapter provided that correction of the violation is not necessary to protect the health and safety of the public or the occupants of the structure. This provision shall not apply to substandard buildings.

(D) Precedence in Provisions. Applications shall comply with the objective standards outlined in this chapter and the zoning district in which the ADU or JADU is located. In the event of a conflict between the development standards set forth in the zone and the standards of this chapter, the provisions of this chapter shall take precedence.

25.17.040 Development Standards. Unless a stated exception applies, ADUs and JADUs must comply with the development standards set forth in this section.

(A) Location. ADUs and JADUs may only be located in the following locations:

- (1) Lots zoned to allow single-family or multifamily dwelling residential use and that include an existing or proposed single-family or multifamily dwelling.
- (2) Lots zoned to allow non-residential uses and developed with legal nonconforming single-family and/or multi-family dwellings.

(B) Lot Area. There is no minimum lot area to establish an ADU or JADU.

(C) Number of Units. A lot may have no more than one ADU (attached, detached or converted) and one JADU, except for multifamily lots *as described in Subsection (D)(3) below*.

(D) Guaranteed Allowance. The following types of ADUs and JADUs require compliance with this subsection D and other development standards do not apply. Coastal resource protection policies continue to apply.

(1) Attached or Detached ADUs. One attached or detached ADU up to ~~800~~**850** square feet of floor area, *or 1000 square feet of floor area for ADUs providing more than one (1) bedroom, a height of 16' or less and 4' minimum side and rear yard setbacks.*

(2) Converted ADUs. One ADU ~~or~~ **and** JADU that is within the proposed or existing space of a primary dwelling, or an accessory structure. A converted ADU may include an expansion of up to 75 square feet for any use beyond the same dimensions as the existing structure. Accessory structures may include an additional expansion of up to 150 square feet to accommodate ingress and egress. *A converted JADU must be entirely within the existing habitable space of an existing primary dwelling unit.* Converted ADUs or JADUs shall comply with the following:

- (a) The space has exterior access from the proposed or existing single-family dwelling.
- (b) The side and rear setbacks are sufficient for fire and safety.
- (c) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(3) Multifamily Lots. Either converted or detached ADUs are allowed, but not both.

(a) Converted ADUs. A minimum of one ADU may be converted from livable or non-livable space. Additional ADUs may be converted within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, up to maximum of 25% of the existing

multifamily dwelling units. *A converted JADU must be entirely within the existing habitable space of an existing multifamily dwelling unit.* Each ADU shall comply with building code standards for dwellings.

(b) Detached ADUs. Not more than two ADUs that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling, are subject to 18 ~~16~~ foot maximum height and 4 foot side and rear setbacks.

(4) *Allowable Heights. All ADUs and JADUs shall be subject to the following height limitations:*

(a) *16 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit.*

(b) *18 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional 2 feet in height shall be permitted to align the roof pitch with that of the primary dwelling unit*

(c) *18 feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling.*

(d) *25 feet or the zoning code height limitation applicable to the primary dwelling, whichever is lower, for an attached ADU.*

(5) Utility Connections. ADUs and JADUs permitted under 25.17.040(D) shall not be considered new residential uses for the purposes of installing a new or separate utility connection between the ADU or JADU and the utility; or calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory structure is constructed with a new primary dwelling.

(E) ADUs and JADUs Not Subject to Section 25.17.040 Guaranteed Allowance.

(1) Minimum and Maximum Size. ADUs shall comply with the following minimum and maximum size limitations:

(a) Minimum Size for ADU and JADU: 150 square feet ("efficiency unit" per California Health and Safety Code Section 17958.1).

(b) Maximum Size for JADU: 500 square feet.

(c) Maximum Size for ADUs:

1. Detached ADUs.

1. Studios and one bedrooms: 850 square feet

2. ADUs with more than one bedroom: 1,000 square feet.

3. ADUs that are ADA compliant: 1,000 square feet

11. Attached ADUs.

1. Studios and one bedrooms: 850 square feet or 50% of

- the primary dwelling unit, whichever is less
- 2. ADUs with more than one bedroom: 1,000 square feet or 50% of the primary dwelling unit, whichever is less.
- 3. ADUs that are ADA compliant: 1,000 square feet or 50% of the primary dwelling unit, whichever is less.

(2) Height for New Structures.

- (a) The height limit for attached and detached ADUs is set forth ~~in the zoning district in which the ADU is located~~ in Section 25.17.040(D)(4). ADUs above 16' in height ~~the height limitations~~ shall be subject to design review in accordance with Section 25.05.040.
- (b) Building height shall be measured from the vertical distance from any point on the finished roof surface to the finished floor surface of the lowest floor measured directly below or to the natural or finished grade, whichever is more restrictive or lower. If the entire lowest floor, measured from the finished floor surface of the floor above, is located completely below natural or finished grade, whichever is more restrictive, then the building height shall be measured to the top of the finished floor of the next level directly above that subterranean level. The height limit shall include roof chimneys, vents, mechanical enclosure, stairways and other such structural elements required for the operation of the building.
- (3) Setbacks for attached or detached ADUs: ~~larger than 800 square feet.~~

- (a) Interior side and rear setbacks. A minimum of 4'.
- (b) Bluff Setback. A minimum of 25' from the top of an oceanfront bluff.
- (c) Watercourse. A minimum of 25' from the centerline of a watercourse.
- (d) Nonconforming Structure. ADUs that are converted within ~~created in the same location as~~ an existing legally non-conforming structure may maintain the nonconforming setbacks. Any expansions beyond the ~~footprint~~ dimensions of the existing legally non-conforming structure shall comply with the above setbacks.
- (e) Greater setbacks from resources may be imposed as necessary to protect the resources, consistent with the requirements of the certified Local Coastal Program. Resources may include, but are not limited to, environmentally sensitive areas, wetlands, public views, and public trails and accessways. The provisions of Section 25.50.004(D) pertaining to additional building setbacks shall apply.
- (4) Space Between Buildings. ~~A 10' minimum separation shall be required between an attached or detached ADU and any other~~

~~building. This building separation may be reduced to 3', provided there are no health and safety concerns, as set forth in the Building Code.~~ **The space between a detached ADU and another structure shall be the minimum necessary to comply with Building and Fire Code.**

(5) Design Standards. Standards set forth in this section apply to the exterior of any ADU. Applications shall demonstrate compliance with the following:

- (a) Architectural Standards. The exterior materials and finish, color scheme, and roof design, and pitch of an ADU above 12' in height shall ~~be similar to~~ **match** the primary dwelling building if an ADU is visible from any public or private roadways, excluding alleys.
- (b) Lighting. Outdoor lighting must be hooded, fully shielded, and aimed downward. Light trespass that results in glare is prohibited.
- (c) Outdoor Living Space. Covered exterior porches, decks, patios, and other outdoor living spaces attached to the ADU shall comply with the height, setbacks, and design standards above and are limited to 20% maximum floor area of the ADU. Elevated decks more than 3' above adjacent existing grade shall require design review. Roof decks shall be prohibited.

(6) Parking

(a) Replacement of Existing Parking. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU/JADU, ~~these off-street parking spaces need not be replaced.~~ **the demolition permit for the garage, carport, or covered parking structure shall be reviewed at the same time as the ADU application. In the Coastal Zone, the number of existing parking spaces for a single family residence or multifamily dwelling shall be replaced on site at a one-to-one ratio, but an applicant shall not be required to provide more than the minimum number of required off-street parking spaces for the primary structure(s) pursuant to the parking standards in Section 25.52.012(G), either through construction or relocation of existing parking, which may be uncovered and/or tandem, or located in the front setback and must be located on private property.**

- (b) On-Site ADU Parking. One parking space per ADU shall be provided. Parking spaces for ADUs must comply with the following requirements:
  - i. May be tandem parking on a driveway.
  - ii. Minimum 3' from side property lines. Larger setbacks may be required based on site specific or fire and life safety

conditions, as determined by the Fire Department and/or the Building Division, whichever is more restrictive.

iii. Not within a required on-site turnaround area.

~~iv. If the Single Family or Two Family Dwelling unit has less than two covered spaces per dwelling unit plus an additional covered or uncovered space when the gross floor area of each residence is 3,600 or more square feet, one new parking space must be provided for the ADU but parking for the primary dwelling unit may remain nonconforming.~~

(c) Exemptions. No parking shall be required for any of the following or in any of the following circumstances:

- i. In connection with the construction of a JADU.
- ii. ~~In connection with the construction of a converted ADU.~~ *Accessory dwelling units converted as part of a proposed or existing habitable space of principal residence or existing accessory structure shall not require parking; however, if parking associated with the existing residence is removed by the converted ADU, the parking shall be replaced elsewhere on the property consistent with this section.*
- iii. The ADU is deed restricted as an affordable housing unit.
- iv. The ADU is an ADA compliant housing unit.
- v. The ADU is located within one-half mile walking distance of public transit or within the Downtown Specific Plan area.
- vi. The ADU is located on a lot within 100' of free on-street parking, in a neighborhood with adequate on-street parking supply, and does not degrade the existing emergency vehicle access as determined by the City.
- vii. The ADU is located within a structure listed on the California Register of Historic Resources or the City's historic register.
- viii. The ADU is located on a property within a locked gate community.
- ix. On-street parking permits are required but not offered to the occupant of the ADU.
- x. A car share vehicle is located within one block of the ADU. *For the purposes of this section, "car-share vehicle" shall mean part of an established program intended to remain in effect at a fixed location, and available to the public.*
- xi. *The ADU is proposed as part of an existing primary structure.*
- xii. *The ADU application is submitted with an application for a new primary structure on the same lot.*

#### 25.17.050 Additional Standards.

- A. Access. The ADU or JADU shall have independent exterior access from the primary dwelling. Interior access between the ADU or JADU and the

- primary dwelling unit is allowed
- B. Addresses. The addresses of both the primary building and ADU shall be clearly visible from the public right-of-way.
  - C. Deed Restriction. JADUs shall require the recordation of a deed restriction, which shall run with the land, that includes the following:
    - (a) A prohibition on the sale of the JADU separate from the sale of the primary dwelling, including a statement that the deed restriction may be enforced against future purchasers.
    - (b) A restriction on the size and attributes of the JADU that conforms with this chapter.
  - D. Fire Sprinklers. All types of ADUs and/or JADUs shall not be required to provide fire sprinklers if they are not required for the primary dwelling. A JADU shall not be considered a separate or new residential unit. Fire sprinklers may be utilized as mitigation in an alternate materials and methods proposal to provide equivalency when compliance with the California Fire Code requirement is not feasible.
  - E. Historic Resources. ADUs and/or JADUs within or proposed to be within a structure listed on the California Register of Historic Resources or the City's Register shall meet all Secretary of the Interior Standards, as applicable.
  - F. Kitchen.
    - (a) ADUs shall contain a full kitchen.
    - (b) JADU shall contain an efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size of the JADU.
  - G. *JADU Bathrooms. JADUs without a separate bathroom must have a separate entrance from the main entrance to the structure and an interior entry to the main living area.*
  - H. Nonconformities. Conversions or reconstruction of legal nonconforming structures to ADUs or JADUs shall not be required to correct nonconforming zoning conditions. Conversions of legal nonconforming structures shall be required to meet all current building, electrical and fire code standards. *Nonconformities in the existing primary structures shall not be required to be corrected during or as a condition of approval of an application for an ADU or JADU.*
  - I. Owner Occupancy *for JADUs*. For JADUs only, ~~t~~ The property owner shall permanently reside, as evidenced by documentation satisfactory to the city, in either the primary dwelling or the JADU.
  - J. Passageway. No passageway shall be required for ADUs and/or JADUs. For the purposes of this section, "passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADUs and/or JADU.
  - K. Rental Unit. The ADU or JADU shall not be rented for a period of less than 31 consecutive calendar days.
  - L. Sale. The ADU shall not be sold or otherwise conveyed separate from



the primary residence, unless specifically permitted by State law.

M. Vehicular Access.

(a) The ADU and JADU shall utilize the same vehicular access that serves the primary buildings, unless the Fire Department and the Public Works Department finds that a secondary access will not degrade existing safety or traffic concerns. An ADU and/or JADU with new vehicular access to streets or alleys is subject to design review.

25.17.060 Utility Connections and Fees. All ADUs and JADUs shall connect to public utilities, including but not limited to water, electric, and sewer services.

- (1) New construction. The city may require a new or separate utility connection directly between the ADU and the utility. Consistent with California Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the current adopted California Plumbing Code, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
- (2) Impact Fees. No impact fees shall be imposed to an ADU less than 750 square feet in size. Any impact fees charged for an ADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling.
- (3) Onsite Water Treatment System. An ADU proposed to be connected to an onsite water treatment system shall require a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years prior as part of the application submittal. Approval by the local health officer may be required.

25.17.070 Affordable Housing Unit.

(A) In order to encourage the use of ADUs to provide affordable housing as defined by the California Department of Housing and Community Development, the following described fee refunds shall be available. In order to obtain the incentive, the property owner must limit by deed restriction, covenant, and/or other instrument the occupancy of the ADU, based on the income limits and applicable rental rates established annually by the state of California. The city may impose conditions and penalties for noncompliance with the affordability restrictions. Deed Restriction. If the owner has requested the incentives in this section, prior to the issuance of a building permit, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. The deed restriction document

shall notify future owners of the owner occupancy requirements, prohibition restrictions on short-term rentals, and annual reporting requirements. The deed restriction shall remain in effect for a minimum of 10 years.

(B) Incentives. All city building, planning, zoning, and impact fees shall be refunded after building permit final, excluding consultant review fees.

#### 25.17.080 Accessible Housing Unit.

Notwithstanding any ordinance or regulation mandating the payment of building, planning, and/or zoning permit fees, and in order to encourage the use of ADUs to provide accessible housing unit as defined by U.S. Department of Housing and Urban Development Section 504, all city building, planning, zoning, shall be refunded after building permit final, excluding consultant review fees and impact fees pursuant to Government Code section 66000 et seq.

#### 25.17.90 Coastal Development Permit.

Nothing in this chapter shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the California Public Resources Code), except that the City shall not be required to hold public hearings for coastal development permit applications for ADUs. **This chapter shall not be implemented in a way that would be inconsistent with some or all other coastal resource protection policies within the certified LCP and/or the Coastal Act.**

#### 25.17.100 Notification.

No public notice or hearing shall be required unless the ADU and/or JADU do not meet the standards of this chapter or requires a discretionary permit, including but not limited to a Coastal Development Permit. The noticing and appeal requirements shall follow the requirements of the discretionary permit.

#### 25.17.110 Code Enforcement Amnesty.

Delay in Enforcement. The City, until January 1, 2030, shall include in a notice to correct a violation of any provision of any building standard relating to an ADU or a JADU a statement that the owner of the unit has a right to request a delay in enforcement pursuant to the following:

(A) The ADU or JADU was built before January 1, 2020.

(B) The ADU was built on or after January 1, 2020, at the time the ADU was

built, had a noncompliant ADU ordinance, but the ordinance is compliant at the time the request is made.

- (C) The owner of such an ADU that receives a notice to correct violations or abate nuisances must apply to the City requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety. Examples of violations that require correction include, but are not limited to, gas line connections, electrical wiring of improper size and terminations, no venting for mechanical equipment, no natural light and ventilation, and structural stability.

The Director shall grant the delay in enforcement if the Director determines that correcting the violation is not necessary to protect health and safety, including but not limited to building standards and fire and safety standards.

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**RESOLUTION NO. 23.053**

**A RESOLUTION OF THE CITY COUNCIL OF LAGUNA BEACH, CALIFORNIA, ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION'S CERTIFICATION; ACCEPTING AND AGREEING TO THE SUGGESTED MODIFICATIONS; AMENDING LAGUNA BEACH MUNICIPAL CODE CHAPTER 25.17 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS), AS MODIFIED BY THE CALIFORNIA COASTAL COMMISSION ON FEBRUARY 9, 2023, CORRECTING MINOR OMISSIONS FROM THE ADOPTION ON MAY 16, 2023, AND REQUESTING ITS CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION, AND AGREEING TO IMPLEMENT THE LOCAL COASTAL PLAN IN A MANNER FULLY CONSISTENT WITH THE CALIFORNIA COASTAL ACT**

**WHEREAS**, Section 30500 of the Public Resources Code requires each county and city to adopt a Local Coastal Program ("LCP") for that portion of the coastal zone within its jurisdiction; and

**WHEREAS**, on January 13, 1993, the California Coastal Commission effectively certified the City of Laguna Beach ("City") LCP, and the City assumed coastal development permit-issuing authority; and

**WHEREAS**, on November 16, 2021, the City Council approved the first reading of LCP Amendment 21-8239, to repeal and replace LBMC Chapter 25.17 and amend LBMC Sections 25.10.004, and 25.15.006 relating to the regulations of ADUs and JADUs, and found that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

**WHEREAS**, on December 14, 2021, the City Council adopted LCP Amendment 21-8239, to repeal and replace LBMC Chapter 25.17 and amend LBMC Sections 25.10.004, and 25.15.006, relating to the regulations of ADUs and JADUs, and found that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

**WHEREAS**, on February 9, 2023, the California Coastal Commission conducted a legally noticed public hearing on Local Coastal Program Amendment 21-8239, carefully reviewed and considered all documents, testimony and other evidence presented, and voted to approve Local Coastal Program Amendment 21-8239 with modifications on the grounds that the proposed Local

1 Coastal Program Amendment with suggested modifications meets the requirements of and is in  
2 conformity with the Coastal Act, and is adequate to carry out, the provisions of the Certified Laguna  
3 Beach Coastal Land Use Plan; and

4 **WHEREAS**, the California Coastal Commission Administrative Regulations Section 13537  
5 requires the local government to accept and agree to the modifications by resolution within six (6)  
6 months, or the certification will expire; and

7 **WHEREAS**, the City Council, after giving notice as prescribed by law, held a public hearing  
8 on May 2, 2023, regarding proposed Laguna Beach Local Coastal Program Amendment 21-8239  
9 and an Ordinance to amend LBMC 25.17 relating to the regulations of ADUs and JADUs, and found  
10 that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan  
11 and Chapter 6 of the California Coastal Act; and

12 **WHEREAS**, the City Council on May 16, 2023, approved the second reading adopting  
13 Ordinance 1687 regarding the proposed Laguna Beach Local Coastal Program Amendment 21-8239  
14 and an Ordinance to repeal and replace LBMC Chapter 25.17 and amend LBMC Sections 25.10.004,  
15 and 25.15.006 relating to the regulations of ADUs and JADUs, and found that the proposed  
16 amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of  
17 the California Coastal Act; and

18 **WHEREAS**, the City Council, after giving notice as prescribed by law, held a public hearing  
19 on July 25, 2023 regarding proposed Laguna Beach Local Coastal Program Amendment 21-8239 to  
20 amend LBMC Chapter 25.17 (Accessory Dwelling Units and Junior Accessory Dwelling Units), as  
21 modified by the California Coastal Commission on February 9, 2023, correcting minor omissions  
22 from the adoption on May 16, 2023, and finds that the proposed amendment is consistent with the  
23 Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

24 **WHEREAS**, the City Council intends to implement the Local Coastal Program in a manner  
25 fully consistent with the California Coastal Act.  
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1           **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH**  
2 **DOES RESOLVE:**

3           **SECTION 1.** The City Council acknowledges and adopts the suggested modifications for  
4 Laguna Beach Local Coastal Program Amendment No. 21-8239, amending Laguna Beach Municipal  
5 Code Chapter 25.17 relating to the regulations of ADUs and JADUs, as attached in Exhibit A and  
6 incorporated herein by reference.

7           **SECTION 2.** The California Coastal Commission is hereby requested to consider, approve,  
8 and certify Local Coastal Program Amendment 21-8239, as modified, as consistent with the action  
9 taken by the Coastal Commission on February 9, 2023.

10           **SECTION 3.** The City Council on May 16, 2023, approved the second reading adopting  
11 Ordinance 1687 regarding the proposed Laguna Beach Local Coastal Program Amendment 21-8239  
12 and an Ordinance to repeal and replace LBMC Chapter 25.17 and amend LBMC Sections 25.10.004,  
13 and 25.15.006 relating to the regulations of ADUs and JADUs, and found that the proposed  
14 amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of  
15 the California Coastal Act; and  
16

17           **SECTION 4.** The City Council, after giving notice as prescribed by law, held a public  
18 hearing on July 25, 2023 regarding proposed Laguna Beach Local Coastal Program Amendment 21-  
19 8239 to amend LBMC Chapter 25.17 (Accessory Dwelling Units and Junior Accessory Dwelling  
20 Units), as modified by the California Coastal Commission on February 9, 2023, correcting minor  
21 omissions from the adoption on May 16, 2023, and finds that the proposed amendment is consistent  
22 with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal  
23 Act; and  
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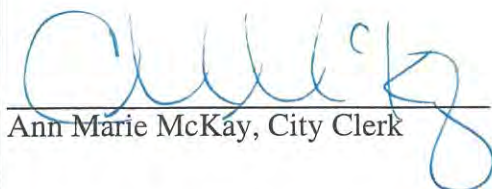
25           **SECTION 5.** Pursuant to Section 13551(b) of the California Coastal Commission  
26 Regulations, Laguna Beach Local Coastal Program Amendment No. 21-8239 will take effect  
27 automatically upon Coastal Commission certification, as provided in Public Resources Code Sections  
28 30512, 30513, and 30519.

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ADOPTED this 25<sup>th</sup> day of July, 2023.

  
\_\_\_\_\_  
Bob Whalen, Mayor

ATTEST:

  
\_\_\_\_\_  
Ann Marie McKay, City Clerk

I, Ann Marie McKay, City Clerk of the City of Laguna Beach, certify that the foregoing Resolution No. 23.053 was duly adopted at a regular meeting of the City Council of said City held on July 25, 2023, by the following vote:

AYES: COUNCILMEMBERS: Orgill, Rounaghi, Weiss, Kempf, Whalen

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

  
\_\_\_\_\_  
City Clerk, City of Laguna Beach, California





**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT  
301 S. OCEAN BLVD, SUITE 300  
LONG BEACH, CA 90802  
PHONE: (562) 590-5071  
WEB: WWW.COASTAL.CA.GOV



**Prepared August 28, 2023 (for September 7, 2023 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Karl Schwing, Deputy Director  
Zach Rehm, District Supervisor  
Bailey Warren, Coastal Planner

**Subject: Certification Review for City of Laguna Beach LCP Amendment No. LCP-5-LGB-22-0003-3 Part B (Coastal Development Permits)**

On February 9, 2023, the California Coastal Commission considered a proposed City of Laguna Beach Local Coastal Program (LCP) amendment (LCP-5-LGB-22-0003-3 Part B (Coastal Development Permits)) designed to amend the Implementation Plan portion of the City's certified LCP to correct clerical errors, modify time extension procedures for locally issued coastal development permits (CDP), and authorize administrative approval of modifications to discretionary applications associated with Coastal Commission-approved CDPs. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

On July 11, 2023 the Laguna Beach City Council adopted Resolution 23.044 (see attachment) incorporating the modifications suggested by the Commission to the IP pursuant to the Commission's conditional approval.

The Executive Director has reviewed the City's July 11, 2023 action and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's September meeting on September 7, 2023 as part of the South Coast District Deputy Director's Report for Orange County. The Commission meeting starts at 9 am on September 7, and the Deputy Director's Report is item number 9 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at [www.coastal.ca.gov](http://www.coastal.ca.gov) for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the City adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by

LCP-5-LGB-22-0003-3 Part B Certification Review

the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the South Coast District Director's Report, the amended LCP will be certified as of that date and time.

**If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the South Coast District office at (562) 590-5071 and/or [southcoast@coastal.ca.gov](mailto:southcoast@coastal.ca.gov).**

**Attachments:**

City of Laguna Beach City Council July 11, 2023 Action

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**RESOLUTION NO. 23.044**

**A RESOLUTION OF THE CITY COUNCIL OF LAGUNA BEACH, CALIFORNIA, ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION'S CERTIFICATION; ACCEPTING AND AGREEING TO THE SUGGESTED MODIFICATIONS; ADOPTING LOCAL COASTAL PROGRAM AMENDMENT 21-8239 AMENDING LAGUNA BEACH MUNICIPAL CODE SECTION 25.05.040 (DESIGN REVIEW) AND CHAPTER 25.07 (COASTAL DEVELOPMENT PERMITS) AS MODIFIED AND APPROVED BY THE CALIFORNIA COASTAL COMMISSION ON FEBRUARY 9, 2023, AND REQUESTING ITS CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION, AND AGREEING TO IMPLEMENT THE LOCAL COASTAL PLAN IN A MANNER FULLY CONSISTENT WITH THE CALIFORNIA COASTAL ACT**

**WHEREAS**, Section 30500 of the Public Resources Code requires each county and city to adopt a Local Coastal Program ("LCP") for that portion of the coastal zone within its jurisdiction; and

**WHEREAS**, on January 13, 1993, the California Coastal Commission effectively certified the City of Laguna Beach ("City") LCP, and the City assumed coastal development permit-issuing authority; and

**WHEREAS**, on November 2, 2021, the City Council approved the first reading of LCP Amendment 21-8778, to amend Laguna Beach Municipal Code Section 25.05.040 (Design Review) and Chapter 25.07 (Coastal Development Permits) as modified and approved by the California Coastal Commission on February 9, 2023, and found that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

**WHEREAS**, on November 16, 2021, the City Council adopted LCP Amendment 21-8778, to amend Laguna Beach Municipal Code Section 25.05.040 (Design Review) and Chapter 25.07 (Coastal Development Permits) as modified and approved by the California Coastal Commission on February 9, 2023, and found that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

**WHEREAS**, on February 9, 2023, the California Coastal Commission conducted a legally noticed public hearing on Local Coastal Program Amendment 21-8778, carefully reviewed and considered all documents, testimony and other evidence presented, and voted to approve Local Coastal Program Amendment 21-8778 with modifications on the grounds that the proposed Local

1 Coastal Program Amendment with suggested modifications meets the requirements of and is in  
2 conformity with the Coastal Act, and is adequate to carry out, the provisions of the Certified Laguna  
3 Beach Coastal Land Use Plan; and

4 **WHEREAS**, the California Coastal Commission Administrative Regulations Section 13537  
5 requires the local government to accept and agree to the modifications by resolution within six (6)  
6 months, or the certification will expire; and

7 **WHEREAS**, the City Council, after giving notice as prescribed by law, held a public  
8 meeting on June 27, 2023 regarding proposed Laguna Beach Local Coastal Program Amendment  
9 21-8778 and an Ordinance to amend Laguna Beach Municipal Code Section 25.05.040 (Design  
10 Review) and Chapter 25.07 (Coastal Development Permits), and finds that the proposed amendment  
11 is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California  
12 Coastal Act; and

13 **WHEREAS**, the City Council intends to implement the Local Coastal Program in a manner  
14 fully consistent with the California Coastal Act.

15 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH**  
16 **DOES RESOLVE:**

17 **SECTION 1.** The City Council acknowledges and adopts the suggested modifications for  
18 Laguna Beach Local Coastal Program Amendment No. 21-8778, amending Laguna Beach Municipal  
19 Code Section 25.05.040 (Design Review) and Chapter 25.07 (Coastal Development Permits), as  
20 attached in Exhibit A and incorporated herein by reference.

21 **SECTION 2.** The California Coastal Commission is hereby requested to consider, approve,  
22 and certify Local Coastal Program Amendment 21-8778, as modified, as consistent with the action  
23 taken by the Coastal Commission on February 9, 2023.

24 **SECTION 3.** Pursuant to Section 13551(b) of the California Coastal Commission  
25 Regulations, Laguna Beach Local Coastal Program Amendment No. 21-8778 will take effect  
26 automatically upon Coastal Commission certification, as provided in Public Resources Code Sections  
27 30512, 30513, and 30519.

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ADOPTED this 11<sup>th</sup> day of July, 2023.



Bob Whalen, Mayor

ATTEST:

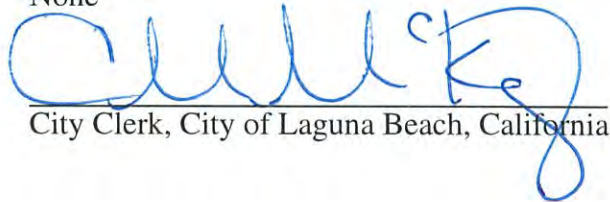
  
Ann Marie McKay, City Clerk

I, Ann Marie McKay, City Clerk of the City of Laguna Beach, certify that the foregoing Resolution No. 23.044 was duly adopted at a regular meeting of the City Council of said City held on July 11, 2023, by the following vote:

AYES: COUNCILMEMBERS: Orgill, Rounaghi, Weiss, Kempf, Whalen

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

  
City Clerk, City of Laguna Beach, California

**ORDINANCE NO. 1688**

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH, CALIFORNIA, AMENDING LAGUNA BEACH MUNICIPAL CODE SECTION 25.05.040 (DESIGN REVIEW) AND CHAPTER 25.07 (COASTAL DEVELOPMENT PERMITS) AS MODIFIED AND APPROVED BY THE CALIFORNIA COASTAL COMMISSION ON FEBRUARY 9, 2023, AND A FINDING OF EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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**WHEREAS**, Section 30500 of the Public Resources Code requires each county and city to adopt a Local Coastal Program (“LCP”) for that portion of the coastal zone within its jurisdiction; and

**WHEREAS**, on January 13, 1993, the California Coastal Commission effectively certified the City of Laguna Beach (“City”) LCP, and the City assumed coastal development permit-issuing authority; and

**WHEREAS**, on November 2, 2021, the City Council approved the first reading of LCP Amendment 21-8778, to amend Laguna Beach Municipal Code Section 25.05.040 (Design Review) and Chapter 25.07 (Coastal Development Permits) as modified and approved by the California Coastal Commission on February 9, 2023, and found that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

**WHEREAS**, on November 16, 2021, the City Council adopted LCP Amendment 21-8778, to amend Laguna Beach Municipal Code Section 25.05.040 (Design Review) and Chapter 25.07 (Coastal Development Permits) as modified and approved by the California Coastal Commission on February 9, 2023, and found that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

**WHEREAS**, on February 9, 2023, the California Coastal Commission conducted a legally noticed public hearing on Local Coastal Program Amendment 21-8778, carefully reviewed and considered all documents, testimony and other evidence presented, and voted to approve Local

Coastal Program Amendment 21-8778 with modifications on the grounds that the proposed Local Coastal Program Amendment with suggested modifications meets the requirements of and is in conformity with the Coastal Act, and is adequate to carry out, the provisions of the Certified Laguna Beach Coastal Land Use Plan; and

**WHEREAS**, the California Coastal Commission Administrative Regulations Section 13537 requires the local government to accept and agree to the modifications by resolution within six (6) months, or the certification will expire; and

**WHEREAS**, the City Council, after giving notice as prescribed by law, held a public meeting on June 27, 2023 regarding proposed Laguna Beach Local Coastal Program Amendment 21-8778 and an Ordinance to amend Laguna Beach Municipal Code Section 25.05.040 (Design Review) and Chapter 25.07 (Coastal Development Permits) as modified and approved by the California Coastal Commission on February 9, 2023, and finds that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

**WHEREAS**, the City Council intends to implement the Local Coastal Program in a manner fully consistent with the California Coastal Act.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN** as follows:

**SECTION 1.** The facts set forth in the Recitals, Part A of this Ordinance, are true and correct.

**SECTION 2. Environmental Review.** The City Council finds that, pursuant to the CEQA Guidelines, the proposed Municipal Code amendments are exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c)(2) and 15061(b)(3) in that the

proposed amendments are not anticipated to result in a direct or reasonably foreseeable indirect physical change in the environment. Additionally, Public Resources Code Section 21080.5 and State CEQA Guidelines Section 15265(c) shift the burden of CEQA compliance to the CCC in connection with preparation of or amendment to a LCP. The CCC's LCP review and approval procedures for the City's LCP Amendment have satisfied the environmental review requirements.

**SECTION 3.** Section 25.05.040(B)(1) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(o) Fuel modification programs subject to the provisions of sections 25.05.040(C)(3) and (4); provided, that once a program has received approval, subsequent approval for maintenance of the fuel modification will be granted by the Director of Community Development, if that maintenance is in conformance with the intent and objectives of the originally approved program;

**SECTION 4.** Section 25.07.008(A)(1)(b) of the Laguna Beach Municipal Code is hereby amended to read as follows:

(A)(1)(b) Improvements to any structure where the structure or the improvement is located on a beach, in a wetland or stream, seaward of the mean high tide line within fifty feet of a coastal bluff edge, in an environmentally sensitive area, and/or in an area designated as highly scenic in the certified Land Use Plan;

**SECTION 5.** Section 25.07.008(A)(6)(c)(2) of the Laguna Beach Municipal Code is hereby amended to read as follows:

(A)(6)(c)(2) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in this section.

**SECTION 6.** Section 25.07.008(A)(6)(d)(5) of the Laguna Beach Municipal Code is hereby amended to read as follows:

(A)(6)(d)(5) "Coastal resources" include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive areas, agricultural lands, and archaeological or paleontological resources.



**SECTION 7.** Section 25.07.008(A)(l) & (A)(l)(a) of the Laguna Beach Municipal Code is

hereby amended to read as follows:

(A)(l) Improvements to Single-Family Dwellings. Improvements to single-family dwellings and mobile homes, including structures located on the same lot as the single-family dwelling that are normally associated with a single-family dwelling such as garages, swimming pools, fences, storage sheds and landscaping, are exempt unless classified as one of the following:

(a) Guest houses and self-contained accessory dwelling units (excluding conversions of habitable area within the walls of the primary dwelling unit; where habitable area means an area that meets the requirements of the California Building Code (CBC) for sleeping, living, cooking, or dining purposes, excluding enclosed places (e.g., closets, bath or toilet rooms, hallways, laundries, pantries, storage spaces, utility rooms, etc.);

**SECTION 8.** Section 25.07.012 (Procedures) & 25.07.012(B)(1-4) of the Laguna Beach

Municipal Code is hereby amended to read as follows:

Each coastal development permit application shall be processed in accordance with the following requirements:

(B) Where an applicant, interested person, or a local government has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is exempt, categorically excluded, non-appealable or appealable:

(1) The determination of whether a proposed development is exempt or categorically excluded, or whether a decision on the proposal would be appealable to the Coastal Commission, shall be made by the local government as soon as practicable after the application for development or the request for exemption or categorical exclusion within the coastal zone is submitted to the local government. This determination shall be made according to the provisions of the Coastal Act, the certified Local Coastal Program, and Coastal Commission Regulations Sections 13240-13253 and 13300 et seq., including based upon applicable maps, coastal resources existing at the time of the application or request, categorical exclusions, land use designations, and zoning ordinances.

(2) The local government shall inform the applicant and the Coastal Commission's South Coast district office in writing of its determination as soon as practicable and at a minimum prior to providing the required notice for any potential permit action and prior to allowing any activity without a permit (for exemptions and exclusions), with reference to any notice and hearing requirements.

(3) The Coastal Commission's executive director may review the local government determination independently, or at the request of the applicant or an interested person(s). If the executive director reviews the local government determination, he or she shall inform the local government of said review, and the local government shall supply, at a minimum, a copy of the application or request and a copy of its determination to the executive director. Within 30 working days, unless extended by the executive director for good cause, the executive director shall notify the local government, the applicant, and the interested person(s) who requested review, if any, in writing of his or her determination regarding whether the proposed development or request qualifies for exemption or categorical exclusion, or whether local government decisions on a permit for the proposed development would be appealable to the Coastal Commission.


(4) If the executive director's determination regarding the appropriate permitting process for the proposed development or request is the same as the local government's, then that determination shall apply to that proposed development or request, and there is no further challenge available. If the executive director's determination conflicts with the local government's determination, and the respective staffs are not able to resolve the conflict and reach agreement on the appropriate permitting process for the proposed development or request in a reasonable time, the executive director shall schedule a hearing as soon as practicable for the Commission to resolve the dispute. Only the local government, the applicant, and the interested person(s), if any, who made the request for review may testify at the hearing. Any person may submit written comments. The Commission shall make findings to support its decision, which shall be provided to the local government.

**SECTION 9. Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 10. Effective Date.** This ordinance shall be effective on the thirtieth (30th) day after the day of its adoption.

**SECTION 11.** The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective not less than thirty (30) days from and after the date of its adoption by the City Council and upon concurrence by the California Coastal Commission.

ADOPTED this 11<sup>th</sup> day of July, 2023.



Bob Whalen, Mayor

ATTESTED ON: 7/17/2023  
Date



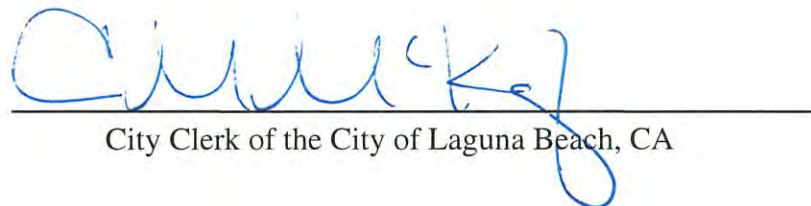
Ann Marie McKay, City Clerk

I, ANN MARIE MCKAY, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on June 27, 2023, and was finally adopted at a regular meeting of the City Council of said City held on July 11, 2023, by the following vote:

AYES: COUNCILMEMBER(S): Orgill, Rounaghi, Weiss, Kempf, Whalen

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None



City Clerk of the City of Laguna Beach, CA